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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/060,225	02/01/2002	Yoshihiro Ishikawa	219042US2	8038

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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
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EXAMINER

ADDY, ANTHONY S

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 01/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

SUPPLEMENTAL
Notice of Allowability

Application No.

10/060,225

Examiner

Anthony S. Addy

Applicant(s)

ISHIKAWA ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 01/21/2005.
2. ☒ The allowed claim(s) is/are 2-26 and 28-52.
3. ☒ The drawings filed on 01 February 2002 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>09/12/2005</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Allowable Subject Matter

1. Claims 2-26 and 28-52 are allowed.
2. The following is a statement of reasons for the indication of allowable subject matter:

The present invention relates to a call acceptance controlling apparatus and a method for controlling acceptance of new calls and handover calls generated in a cell where communication is provided by a radio channel between a mobile station in the cell and two or more radio base stations that form cells in a mobile communications system that employs a code division multiple access method.

The instant invention with respect to claims 2 and 28, teaches a call acceptance controlling apparatus and method, identifying the uniquely distinct features "rejecting the new call to make the new call a lost call, when an uplink interference amount of any radio channel exceeds a first threshold value comprising; interference amount measuring means for measuring an interference amount of each uplink radio channel from a mobile station to a radio base station when there is a request for a new call, and interference amount checking means for determining whether an interference amount of any radio channel measured by the interference amount measuring means is greater than the first threshold value that is defined as being smaller than the predetermined maximum interference amount of the mobile communications system."

The closest prior art, **Gustavsson et al., U.S. Patent Number 6,721,568** teaches a call acceptance controlling apparatus and method, wherein the new call

acceptance limiting means restricts acceptance of a new call before the uplink interference amount of a radio channel reaches the predetermined maximum interference amount of the mobile communications system and rejecting the new call to make the new call a lost call (see col. 5, lines 44-55 and col. 7, lines 16-28). However, Gustavsson fails to anticipate or render the above underlined limitations in combination with all the recited limitations of claims 2 and 28 obvious, over any of the prior art of record, alone or in combination.

The instant invention with respect to claims 3 and 29, teaches a call acceptance controlling apparatus and method, identifying the uniquely distinct features "rejecting the new call to make the new call a lost call, when an uplink interference amount of any radio channel exceeds a second threshold value, comprising: interference amount estimating means for estimating an interference amount of each uplink radio channel if a request for a new call is accepted, and interference amount checking means for determining whether an interference amount of any radio channel estimated by the interference amount estimating means is greater than the second threshold value that is defined as being smaller than the predetermined maximum interference amount of the mobile communications system."

The closest prior art, **Gustavsson et al., U.S. Patent Number 6,721,568** teaches a call acceptance controlling apparatus and method, wherein the new call acceptance limiting means restricts acceptance of a new call before the uplink interference amount of a radio channel reaches the predetermined maximum interference amount of the mobile communications system and rejecting the new call to

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make the new call a lost call (see col. 5, lines 44-55 and col. 7, lines 16-28). However, Gustavsson fails to anticipate or render the above underlined limitations in combination with all the recited limitations of claims 3 and 29 obvious, over any of the prior art of record, alone or in combination.

The instant invention with respect to claims 4 and 30, teaches a call acceptance controlling apparatus and method, identifying the uniquely distinct features "rejecting the new call to make the new call a lost call, when the downlink total transmission power level exceeds a third threshold value, comprising: total downlink transmission power measuring means for measuring a total transmission power of the radio base station, and total downlink transmission power checking means for determining whether the total transmission power measured by the total downlink transmission power measuring means is greater than the third threshold value that is defined as being smaller than the predetermined maximum power level of the mobile communications system."

The closest prior art, **Gustavsson et al., U.S. Patent Number 6,721,568** teaches a call acceptance controlling apparatus and method, wherein the new call acceptance limiting means restricts acceptance of a new call before the downlink total transmission power reaches the predetermined maximum power level of the mobile communications system and rejecting the new call to make the new call a lost call (see col. 5, lines 44-55 and col. 7, lines 16-28). However, Gustavsson fails to anticipate or render the above underlined limitations in combination with all the recited limitations of claims 4 and 30 obvious, over any of the prior art of record, alone or in combination.

The instant invention with respect to claims 5 and 31, teaches a call acceptance controlling apparatus and method, identifying the uniquely distinct features "rejecting the new call to make the new call a lost call, when the total downlink transmission power level exceeds a fourth threshold value, comprising: total downlink transmission power estimating means for estimating a downlink total transmission power of the radio base station if a requested call is accepted, and total downlink transmission power checking means for determining whether the downlink total transmission power estimated by the total downlink transmission power estimating means is greater than the fourth threshold value that is defined as being smaller than the predetermined maximum power level of the mobile communications system."

The closest prior art, **Gustavsson et al., U.S. Patent Number 6,721,568** teaches a call acceptance controlling apparatus and method, wherein the new call acceptance limiting means restricts acceptance of a new call before the downlink total transmission power reaches the predetermined maximum power level of the mobile communications system and rejecting the new call to make the new call a lost call (see col. 5, lines 44-55 and col. 7, lines 16-28). However, Gustavsson fails to anticipate or render the above underlined limitations in combination with all the recited limitations of claims 5 and 31 obvious, over any of the prior art of record, alone or in combination.

The instant invention with respect to claims 6 and 32, teaches a call acceptance controlling apparatus and method, identifying the uniquely distinct features "wherein the new call acceptance limiting means restricts acceptance of a new call before all the spread code resources of a radio base station is consumed, rejecting the new call to

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make the new call a lost call, when an amount of the spread code resources available is less than a fifth threshold value, comprising: spread code resources measuring means for measuring an amount of the spread code resources available in the radio base station, and spread code resources checking means for determining whether the amount of the spread code resources measured by the spread code resources measuring means is less than the fifth threshold value."

The closest prior art, **Gustavsson et al., U.S. Patent Number 6,721,568** teaches a call acceptance controlling apparatus and method, wherein the new call acceptance limiting means restricts acceptance of a new call before the downlink total transmission power reaches the predetermined maximum power level of the mobile communications system and rejecting the new call to make the new call a lost call (see col. 5, lines 44-55 and col. 7, lines 16-28). However, Gustavsson fails to anticipate or render the above underlined limitations in combination with all the recited limitations of claim 6 and 32 obvious, over any of the prior art of record, alone or in combination.


Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony S Addy whose telephone number is 571-272-7795. The examiner can normally be reached on Mon-Thur 8:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel L Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Anthony S. Addy
April 27, 2005



TEMICA BEAMER
PRIMARY EXAMINER

4/29/05